

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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| WILLIAM C. TOTH JR., <i>et al.</i> , | : | Civil No. 1:22-CV-00208 |
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| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| LEHIGH M. CHAPMAN, in her official capacity as Acting Secretary for the Commonwealth, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | Judge Jennifer P. Wilson |

ORDER

Before the court is Plaintiffs' motion for leave to file a second amended complaint. (Doc. 48.) For the reasons that follow, the motion will be granted.

Under Federal Rule of Civil Procedure 15, a party seeking to amend a pleading may do so once as a matter of course within the specified timeframe. Fed. R. Civ. P. 15(a)(1). Additional amendments thereafter are permitted only with written consent of the opposing party or leave of the court, but the court "should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Indeed, the Supreme Court has held that "in the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposed party by virtue of allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules

require, be ‘freely given.’” *Forman v. Davis*, 371 U.S. 178, 182 (1962). Applying this liberal standard, the court has concluded that it is appropriate to permit the filing of a second amended complaint in this instance and allowing the amendment promptly will avoid any disruption in the current briefing schedule.

Accordingly, **IT IS ORDERED THAT** the motion for leave to file a second amended complaint, Doc. 48, is **GRANTED**, and the proposed second amended complaint at Doc. 49 is the operative complaint in this action. **IT IS FURTHER ORDERED THAT** the schedule set forth in the court’s February 25, 2022 order, Doc. 43, is confirmed.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania

Dated: February 28, 2022